Published by the Board of Selectmen

MARCH 2005



Citizens Caucus

Monday March 7, 2005 at 7:00 pm at the Tolland Town Hall

Public Hearing

Monday March 14, 2005 at 7:00 pm at the Tolland Town Hall

Special Town Meeting

Monday March 28, 2005 at 7:00 pm at the Tolland Town Hall

NOTICE

To the Voters of the Town of Tolland, Commonwealth of Massachusetts. A Citizens' Caucus will be held at the Town Hall, Tolland Massachusetts on MONDAY, MARCH 7, 2005 at 7:00p.m.

to nominate candidates for the following town office after a Caucus Chairman and Secretary are chosen:

- ONE SELECTMAN FOR A TERM OF THREE YEARS
- ONE ASSESSOR FOR A TERM OF THREE YEARS
- ONE PLANNING BOARD MEMBER FOR A TERM OF FIVE YEARS
- ONE LIBRARY TRUSTEE FOR A TERM OF THREE YEARS

From the Board of Selectmen

The Board would like to thank the Tolland Volunteer Fire Department for helping with a blocked culvert on Beetle Road. Without the help of the volunteers, the town could have been facing hazardous road conditions.

The Tolland Library

We have really, really great news at the Library. After a great deal of discussion, Western Massachusetts Regional Library System has agreed to put us on their delivery route. What does that mean? Simply, when the Library requests any material through Inter-Library Loan, it is delivered right to our door once a week – every week. Previously, all items were mailed and returned via mail or dropped in Granville where they were picked up. This was costly and took a great deal of time. If there are any items you would like, be they book, audio, video or even periodical, please ask us to submit an ILL for you. You can make request via email at Tolland@cwmars.org. This program is a "use it or loose it" situation. It took a long time to get it and we would hate to see it go.

That all being said (with great excitement)....may I direct you to the WMRLS site where you can find information on becoming a "Friend" of WMRLS. Go to www.wmrls.org . You will see a link on their home page for becoming a friend. Tolland does not have its own "Friends" group. Please support the Library System that is so supportive of us.

From the office of The Tax Collector

Real estate and personal property tax bills for Fiscal year 2005, which ends July 1 were mailed on February 14th.

The tax bills are due 30 days from mailing (March 16th) at:

The Tolland Town Hall Collector's Office 241 West Granville Rd Tolland, MA 01034

By law, the bills were mailed to the owners of record as of Jan 1, 2004.

Any new homeowner or anyone who has not received the real estate or personal property tax bill should contact the collector's office. The Collector's Office can be reached at (413)258-4794.

Granville/Tolland Citizens' Scholarship Foundation

To All Our 2004 Donors:

The volunteers who work on behalf of the Granville/Tolland Citizens' Scholarship Foundation, wish to thank all who gave so generously in 2004. We were able to award 30 scholarships (a record) for the academic year of 2004-2005 to eligible full-time college undergraduates from the towns of Granville and Tolland! The awards totaled \$14,980.00 which is also a record!

Although our annual donations and scholarships have steadily increased, the average individual award has not increased significantly over the past 10 years. This is due to the increase in the number of qualified recipients. To address this concern, the Executive Board has approved a 3-year campaign to raise \$60,000 for the endowment. The Foundation's endowment has increased from \$54,552.00 at the end of 2003, to \$88,837.00 at the end of 2004. This increase is due, in large part, to the success of Phase I of our 2004-2007 Endowment Campaign.

More information about the ongoing endowment campaign, which is separate from our annual fund drives, will be forthcoming in future newsletters, mailings, and on our website at www.tolland-ma.gov. Check us out on the web!

We appreciate the trust and support you have given us in the past, and look forward to working with you to meet the challenge of financially assisting our towns' college students.

Sincerely,

Co-presidents:

Diane Lafrance Kris LeFebvre

Secretary:

Joanne Simeone

Treasurer:

John Meiklejohn

Executive Board Members:

Sarajane Adams Barbara Sandman Cindy Saulenas Nina Stromgren Sue Voudren Rosie Campbell Scott Hodges

New Fees for Special Permit and Appeal to Board of Appeals

The Tolland Planning Board and the Zoning Board of Appeals have established new fees effective immediately for Applications for Special Permits and Appeals to the Zoning Board of Appeals. The application fee will be \$175 and will cover the cost of postings in the required newspapers and postage for required mailings to abutters and neighboring Town Planning Boards. Any unused funds will be refunded to the applicant once all expenses are tallied. Checks for \$175 should be written to the Town of Tolland and attached to applications.

Tolland Planning Board, Steve McAlister, Chair Tolland Zoning Board of Appeals, Steve Bartels, Chair

Tolland Board of Assessors

The Board would like to announce extended hours for the Assessor Clerk effective immediately. The Clerk will be in the office every Monday from 10:00am to 4:00pm with the exception of federal holidays. If these hours are not convenient for your needs, please feel free to forward questions to the Clerk either by voice mail at 413-258-4794 or by email at: assessorstolland@earthlink.net.

Open Space Committee Educational Meeting

Saturday, March 26th, 10:00 a.m. at Tolland Town Hall

Come to hear a representative of the Massachusetts Trustees of Reservations. She will be helping Tolland residents and the Open Space Committee to understand issues about acquiring and funding Open Space for recreational purposes in Tolland.

The Tolland Building Committee

The Tolland Building Committee is a town committee charged with assessing the town's DPW garage and Fire House building.

We were asked by the selectmen to assess our current building's usage and condition then to recommend where to go from here.

After assessing the current building being used we as a committee have come to the conclusion that the town would be wise not to put any monies into a building that has out lived its expected life span. But we also did not want to go further with this endeavor without giving any towns person the opportunity to view the current building and to offer their input. So, we thought the best way to do this would be to have an open house at the DPW/Firehouse. The date for the open house will be March 26th between the hours of 10 and 12.

All are invited to stop by for a tour of the facility and to offer any comments or suggestions. So please try to stop by and talk with us on

March 26th or you can contact any of the committee members prior to the open house.

Sincerely,

The Tolland Building Committee: Ted Locke, Steve DellaGiustina, Larry Hurd, Eric Munson III, John Panaia and Lester Walker.

COMMONWEALTH OF MASSACHUSETTS

Hampden, SS. To the Constable of the Town of Tolland in the County of Hampden. GREETING.

IN THE NAME of The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the Tolland Town Hall in said town on MONDAY, the TWENTY-EIGHTH (28) day of MARCH next at 7:00 o'clock in the afternoon, then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to grant an easement on and across certain property owned by the Town of Tolland as shown on a plan entitled "Plan of Land Tolland, MA Owned by Richard & Jacqueline Dziedzic Showing Easement To Be Granted From The Town of Tolland" dated June 28, 2004 along Meadow Lane a/k/a Muskrat Ramble in said Tolland, Massachusetts, to the Jacqueline K. Dziedzic Nominee Trust for driveway purposes, leach field purposes, and to maintain a ramp to gain access to the lake for docking purposes, and authorize the Board of Selectmen to execute on behalf of the Town of Tolland said easement document and do all things necessary to accomplish the grant of easement.

ARTICLE 2. To see if the Town will vote to lease certain real estate known as the "Town Green or Town Common" being approximately 155 feet by 130 feet along New Boston Road and 160 feet by 60 feet along Clubhouse Road for use by the Town of Tolland for Town events and for use as a town common from the Tolland Congregational Church for One Dollar (\$1.00) per year and authorize the Selectmen to enter into a lease agreement for a term of three (3) years, and to raise and appropriate the sum of One Dollar (\$1.00) for the first year's payment, and to obtain and maintain liability insurance on said property, and to provide maintenance and upkeep to said property.

ARTICLE 3. "To see if the community of Tolland will vote to authorize the municipality to enter into an intermunicipal joint purchasing agreement pursuant to G.L. Ch. 40 4A for the provision of technology solutions and related consulting and support services with the Community Software Consortium, preserving the rights and privileges established in prior agreement(s). The duration of this agreement, in accordance to statute, shall be for no more than 25 years, with the ability of the community to withdraw from this agreement at any time. The annual obligation of the municipality under this agreement will be paid form the participating departments' expense appropriations. The annual obligation is determined by membership vote pursuant to the consortium's bylaws.

ARTICLE 4. To see if the town will vote to transfer from FREE CASH \$2,281.92 or any other sum, to TECHNICAL SUPPORT AND COMPUTER EXPENSES

ARTICLE 5. To see if the Town will vote to raise and appropriate up to \$170,000 for the purchase of a single axle Mack truck for the Department of Public Works; and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to \$170,000 for ten years under Massachusetts General Laws, Chapter 44 Section 7. Finance Committee recommends Borrow.

ARTICLE 6. New Regulations for Site Plan Approval for Building Permits and Special Permits Announced by the Tolland Planning Board
The Tolland Planning Board voted on January 24, 2005 to establish the following new processes for applications for Building Permits and Special Permits. The objective of this process is to assure that Site Plans conform to actual site conditions and that what is built conforms to Site Plans approved by the Planning Board as part of a Special Permit Application or application for

Building Permit. There have recently been several situations in Tolland in which the actual construction or placement did not conform to what was submitted to the Planning Board, resulting in problems for the town, the homeowners, and neighbors. This change is intended to assure compliance with Massachusetts laws.

Site Plans are a required part of any application to build, enlarge or modify residences and other types of buildings, including Accessory Buildings and Structures such as garages and sheds. The following steps must be followed in sequence to obtain Site Plan Approval required for Building Permits or Special Permits. Eric Munson, Jr. serves as both the Building Inspector and the Zoning Enforcement Officer for the Town of Tolland as appointed by the Tolland Board of Selectmen.

Property Survey required for Applications on Non-conforming Lots. If an applicant proposes to build a Building or Accessory Building or Structure on a Non-Conforming Lot a property survey performed by a licensed surveyor must be submitted with the Site Plan.

For Applications not requiring a Special Permit

1. Contact Eric Munson, Jr, Tolland Building Inspector and Zoning Enforcement officer to discuss proposed plans or submit site plans for review and approval.

The Applicant must stake the proposed buildings or additions on the building site for the Building Inspector to verify the location of proposed buildings or structures in relation to property lines, wells, septic, etc.

The Zoning Enforcement Officer will measure the actual site to assure all setback requirements are met. Staking should also locate relevant property lines, corners, etc.

- If Zoning, Health Department and Conservation requirements are met, the Zoning Enforcement Officer will endorse the Site Plan for Planning Board approval.
- If Zoning and Health Department requirements are not met, the applicant can make necessary changes to assure compliance. If the applicant disagrees with the Building Inspector, the proposed Site Plan will be referred to the Planning Board without the endorsement signature.
- 2. Submit the endorsed Site Plan or the proposed Site Plan requiring discussion to the Planning Board
 - If the Site Plan is approved by the Planning Board the plan is sent to the Building Inspector and the applicant proceeds with his Building Permit Application.
 - If the Site Plan is not approved, the applicant may modify his plan, apply for a Special Permit in cases of non-conforming lots, or Zoning Board of Appeals for a Variance. New Regulations for Site Plan Approval for Building Permits and Special Permits Announced by the Tolland Planning Board approve the next step of construction

Required Inspection before pouring foundations or footings for Buildings or Accessory Buildings or Structures

- Contact the Building Inspector/Zoning Enforcement Officer to perform an inspection immediately prior to pouring footings, slabs or foundations. He will inspect to assure that what is being constructed conforms to the approved Site Plan.
 - If construction site complies with approved Site Plan, the Building Inspector will approve the next step of construction
 - If construction site does not comply with approved Site Plan, the owner must make changes required to achieve compliance.

Note: If an Applicant does construction that that does not meet approved Site Plan specifications, setback requirements, Health Department and/or Conservation regulations, having paid for/completed non-compliant construction will not be the basis for a hardship claim and the applicant cannot apply to the Zoning Board of Appeals for a Variance.

For Applications Requiring a Special Permit.

- 1. Applicants are encouraged to meet with the Planning Board to discuss any proposed Application for Special Permit to assure the proposed use conforms with the Tolland Zoning Bylaw before developing detailed Site Plans.
- 2. Submit Application for Special Permit. The Zoning Enforcement Officer must measure the site prior to submitting Site Plans to the Planning Board.

New Bylaws Proposed by Board of Selectmen Public Hearing on March 14, 2005 at 7:00 p.m.

<u>Proposed Bylaw and Rationale: The Board of Selectmen is proposing adoption of three new Tolland Bylaws</u> listed above. An explanation is provided for each. The text for each proposed bylaw follows this summary.

<u>Public Hearing on March 14, 2005 at 7:00 p.m. Please attend the Public Hearing on the three proposed bylaws. Tolland Town Hall (see Warrants).</u> We will also have to vote to amend each of the existing town bylaws to incorporate the enforcement provisions and remove any reference to fines that are embedded in each bylaw because the Fine schedule will be come a part of Non-Criminal Disposition as described below.

Proposed Bylaw: Non-Criminal Disposition of Charges

The proposed bylaw would adopt Massachusetts General Law 21D. The State statute must be adopted by the Town into a bylaw. The bylaw would allow Tolland to

- Identify enforcing officers for each bylaw (in addition to Police Department) to make enforcement responsibility clear to officials and residents
- •Issue written tickets to violators for specific violations. Tickets would apply to specific bylaws and include nature of violation, issuer name, fine and payment due date. These tickets would be legal documents approved by the District Court.
- Directly collect Municipal Charges (fines) for Bylaw violations without going to Criminal Court (which we are currently required to do)
- Retain all fines collected in the Town General Fund. Currently any fines collected go to District Court.
- Bring violators who do not pay fines to District Court 30 days after the payment due date for criminal prosecution (currently Tolland's only alternative)
- •Permit citizens to appeal a citation or ticket issued by an enforcing officer to appeal to District Court.

Fines: The table of Fines and Penalties in the proposed bylaw is extracted from existing bylaws. The following fines have been added since no fine is defined in the respective current bylaw.

- Noyes Pond Bylaw (Prohibiting Combustion Propulsion): \$50 per incident
- Junk Car Bylaw: \$50 per day per violation
- Commercial Vehicles Posting Bond By-Law: \$100 per incident
- Snow Removal Bylaw: \$50 per incident

Recommendation: The Selectmen and all Town Department Heads and officials recommend adopting this bylaw to

- Improve ability to collect fines without requiring officials to appear in District Court, a time consuming and expensive process
- •Enforce Bylaws with consequences to violators
- Retain collected funds for use by the Town
- Provide consistency in Bylaw enforcement

Proposed Bylaw: Municipal Charges Liens

<u>The proposed bylaw would adopt Massachusetts General Law</u> Chapter 40, Section 58. <u>The State statute must be adopted by the Town into a bylaw</u>. The bylaw would allow Tolland to

• Place Municipal Charges Liens on property when violators do not pay the amount due

continued

New Bylaws Proposed by Board of Selectmen Public Hearing on March 14, 2005 at 7:00 p.m. Continued

for at least twelve months from the due date. <u>This would prevent property owners from selling their homes</u> without paying charges owed.

Recommendation: The Selectmen and all Town Department Heads and officials recommend adopting this bylaw to

• Provide consequences and sanctions if municipal charges and fines are not paid.

Proposed Bylaw: Failure to Pay Municipal Taxes or Charges as Grounds for Denial, Suspension or Revocation of Licenses or Permits.

<u>The proposed bylaw would adopt Massachusetts General Law</u> Chapter 40, Section 57.. <u>The State statute must be adopted by the Town into a bylaw. The bylaw would allow Tolland to:</u>

• Have sanctions available for non-payment of taxes and municipal charges or fines for at least twelve months after the due date. This bylaw would prevent property owners from obtaining building or other permits or business licenses when money is owed to the Town.

To see if the Town will vote to amend the Town of Tolland By-Laws by adding the following section in accordance with Massachusetts General Laws c. 40 § 21D.

Criminal and Non-Criminal Disposition of Town of Tolland Bylaws and Town of Tolland Rules and Regulations

Criminal Complaint

Whoever violates any provision of any Town of Tolland Bylaws or any Town of Tolland Rules and Regulations may be penalized upon indictment or complaint brought in the District Court, as provided in Massachusetts General Laws G.L. c. 40, sec. 21 as amended. Violations thereof shall not exceed three hundred dollars for each offense. Each day any violation of any Town of Tolland Bylaws or any Town of Tolland Rules and Regulations shall continue shall constitute a separate offense.

Non-Criminal Complaint

Whoever violates any provision of any Town of Tolland Bylaws, or any Town of Tolland Rules and Regulations, the violation of which is subject to specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended.

Whoever violates

- (a) an order of the Tolland Board of Health relating to public health, any special law applicable to the Town of Tolland, the provisions of the State Sanitary Code or other state regulation;
- (b) an order of the Tolland Building Inspector relating to public safety, any special law applicable to the Town of Tolland, the provisions of the state building code or other state regulation;
- (c) an order of the Chief or Fire Safety Officer of the Tolland Fire Department relating to public safety, any special law applicable to the Town of Tolland, the provision of the state fire prevention code or other state regulation; or
- (d) or any rule or regulation of any Town of Tolland officer, board or department, the vio lation of which is subject to specific penalty,

may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended.

Violations of the following Town of Tolland By-Laws and/or Town of Tolland Rules and Regulations may be enforced by non-criminal disposition in accordance with Massachusetts General Laws, Chapter 40, Section 21D as amended.

In addition to Town of Tolland Police Officers who shall have the authority to enforce all of the following Bylaws, rules and regulations, the municipal personnel listed for each section, if any, shall also have the authority to enforce the respective Bylaws, rules and regulations. Each incident or each day any violation of any Town of Tolland By-Laws or any Town of Tolland Rules and Regulations, shall continue shall constitute a separate offense. The following by-laws may be enforced in accordance with Chapter 40 §21D of the Massachusetts General Laws, Non-Criminal Disposition of Violations.

Violations of the Town of Tolland Bylaws may be enforced in the manner provided in MGL, c.40, s. 21D. For the purpose of this section, the specific penalty which is to apply for violation of each Bylaw is listed below and the officers or employees whose titles are listed by each Bylaw shall be deemed to be enforcing officers for each section.

Bylaw E	nforcement Agent (s)	Penalty	Fine Schedule	
Commercial Vehicles Posting Bond By-Law	Police	\$100	Each time an enforce- ment agent responds to complaint will be considered a separate violation.	
Noyes Pond By-Law	Police	\$100	Each time an enforce- ment agent responds to complaint will be considered a separate violation.	
Dog Control By-Law	Animal Control Officer Police	1st violation: warning 2nd violation: \$10.00 3rd violation: \$15.00 4th and subsequent violations: \$25.00	Each time an enforce- ment agent responds to complaint will be considered a separate violation	
Hunting By Law	Police Highway Superintendent	Arrest without warrant and/o fines of \$100.00	Each time an enforce- rment agent responds to complaint will be considered a separate violation.	
Logging Bylaw Police Highway Superintendent		\$300.00	Each day on which a violation exists shall be deemed to be a separate offence	
Mandatory Recycling Bylaw Police Highway Superintence Board of Selectmen Fire department		\$300.00	Each day an enforce- ment agent responds to complaint will be considered a separate violation.	
Snow Removal Bylaw Police Highway superintende Fire department		\$150.00	Each time an enforce- ment agent responds to complaint will be considered a separage violation.	

Criminal and Non-Criminal Disposition of Town of Tolland Bylaws and Town of Tolland Rules and Regulations Continued

Bylaw	Enforcement Agent (s)	Penalty	Fine Schedule	
Numbering Of All Houses, Businesses And Other Structures ByLaw	Police Highway Superintendent Fire Department	\$10.00	Each day on which a violation exists shall be deemed to be a separate violation.	
Winter Parking Ban Bylaw	Police Highway Superintendent Fire department	\$50.00 per incident plus additional \$50 if towing required	Each time an enforcement agent responds to a complaint will be considered a separate violation.	
Junk Car Bylaw	Police Zoning Enforcement Officer	\$50.00	Each day on which a violation exists shall be deemed to be a separate offence.	
Zoning by-laws (including personal wireless services facility section 12)	Zoning Enforcement Officer Building Inspector	\$20.00per violation per day	Each day on which a violation exists shall be deemed to be a separate offence.	

To see if the Town will vote to amend the Town of Tolland Commercial Vehicles Posting Bond Bylaw by adding non-criminal disposition for violations of the by-law, said amended by-law to read as follows:

Commercial Vehicles Posting Bond Bylaw Town of Tolland, MA

No vehicle used for commercial purposes may enter upon the town ways from a roadside shoulder without first posting a bond, either cash or surety, for the repair of any damage caused thereby. The Superintendent of highways shall determine the amount of the bond to be posted.

This provision shall not apply to vehicles with a gross loaded weight of less than 10,000 pounds.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

C. 40 § 58 article

To see if the Town will vote to amend the Town of Tolland By-Laws by adding the following new section in accordance with Massachusetts General Laws C. 40 § 58.

BYLAW ESTABLISHING MUNICIPAL CHARGES LIEN

Section 1. Authority

This by-law is a adopted pursuant to the authority of M.G.L. c. 40, § 21 and c. 40 § 58. and any other relevant statutes and regulations.

Section 2. Purpose

The purpose of the establishment of a Municipal Charges Lien is to provide a cost effective method of collecting a charge, fine, penalty and/or fee assessed against an owner of real property in the Town who fails. and/or refuses to pay said charge or charges, fine or fines, penalty or penalties and/or fee or fees when due, by placing a lien upon real estate owned by the property owner.

Section 3. Charge and/or Fee

The Municipal Charges Lien shall apply to the following municipal charges and/or fees:

- a) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds, for violations of the Town of Tolland Zoning Bylaw, including the Personal Wireless Services Facility Bylaw.
- b) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds, for violations of the following Town of Tolland general bylaws:
- Animal Control / Dogs Bylaw
- Commercial Vehicles Posting Bond Bylaw
- House Numbering Bylaw
- Hunting Bylaw
- Junk Car Bylaw
- Logging Bylaw
- Noves Pond Prohibition Internal Combustion Engines Bylaw
- Recycling Bylaw
- Snow Removal Bylaw
- Winter Parking Ban Bylaw
- c) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds, for violations of the Town of Tolland Sub-Division Control Rules and Regulations.

Section 4. Lien Takes Effect

The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

To see if the Town will vote to amend the Town of Tolland By-Laws by adding the following new section in accordance with Massachusetts General Laws C. 40 § 58.

Continued

Section 5. Collection of the Lien

- a) The Tax Collector shall be in charge of collecting the lien.
- b) The Treasurer who is the person responsible for collecting the charge, fine or penalty shall notify the Assessors of all unpaid tickets that have not been paid or appealed to the court at the end of each month.
- c) The Assessor shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk or person responsible for collecting the charge, fine or penalty and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Hampden County Registry of Deeds.

Section 6. Unpaid Municipal Charges Liens

- a) If a charge, fine, penalty or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
- b) If the property to which the charge, fine, penalty and/or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

Section 7. Release of Lien

The Municipal Charges Lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting a lien, together with any interests and: costs have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

To see if the Town will vote to amend the Town of Tolland Bylaws by adding the following new section in accordance with Massachusetts General Laws C. 40 § 57.

Failure to pay municipal taxes or charges as grounds for denial, suspension, revocation of license or permit.

(a) Definitions

"Overdue Obligation"

Any local tax, assessment, betterment, fee, or municipal charge which remains unpaid for twelve (12) months or more after its due date unless said tax, etc. is the subject of a pending application for abatement or of a pending appeal before the Appellate Tax Board.

"Municipal Charge"

Any charge established, required, or imposed by any board, commission, depart ment, officer, or other entity of the Town of Tolland for services of personnel or equipment, use of facilities, charges for utilities, goods/materials/equipment supplied or used, or other activities performed by the Town, its employees or agents.

"Licensing authority"

The board, commission, department, officer, or other Town entity which issues a permit or license.

- (b) Authority to Deny, Suspend or Revoke License or Permit: Any licensing authority of the Town may deny, suspend, or revoke any license or permit issued by said licensing authority, including any transfers or renewals of said license or permit, with the exception of those licenses and permits set forth in paragraph (g), infra, if the applicant or holder thereof has any outstanding overdue obligation.
- (c) Administrative Reporting: The Town Collector shall annually, in the month of September, for all municipal commitments which are under his/her control, issue a list of all persons, corporations, or business entities which have an overdue obligation to the Town. Any other official of the Town having control of records of municipal charges not committed to the Town Collector shall annually, in the month of June, issue a similar list of overdue obligations. Said lists shall be supplied to all licensing authorities within the Town.

continued

- (d) License or Permit Denial, Revocation or Suspension: A licensing authority may deny, revoke, or suspend any license or permit held by any person, corporation, or business entity appearing on any list of overdue obligations. Prior to taking such action, the licensing authority shall give written notice, as required by the applicable provisions of law, to the party responsible for the overdue obligation and to the Tax Collector of the intended action and shall give said party a hearing on the proposed action, said hearing to be held not earlier then fourteen (14) days after said notice. The list of overdue obligations shall be prima facie evidence for denial, revocation, or suspension of the license or permit. Any findings made by the licensing authority in connection with a denial, revocation, or suspension shall not be relevant to or introduced in any proceeding at law except for an appeal from said denial, revocation, or suspension. The Town Collector may intervene in any hearing held hereunder.
- (e) Certificate of Payment Required: Any license or permit which is denied, revoked, or suspended under this ordinance shall not be issued, reissued, renewed or reinstated until the licensing authority receives a certificate from the Town Collector stating that the applicant for or holder of said license or permit is in good standing with respect to any and all local taxes, fees, assessments, or other municipal charges payable to the Town as of the date of issuance of said certificate.
- (f) Payment Agreement Option: The licensing authority shall give any applicant for or holder of a license or permit who has an overdue obligation the opportunity to enter into a payment agreement as provided by Massachusetts General Laws for satisfaction of said overdue obligation. Upon execution of any such agreement, the licensing authority, shall issue a certificate, to be displayed with said license, indicating that said license or permit is conditioned upon satisfactory compliance with the payment agreement. Failure to comply with the payment agreement shall be grounds for the suspension or revocation of the license or permit following notice and hearing, as required by the applicable provisions of law.
- (g) Permits and Licenses not Subject to this Ordinance: The following licenses and permits shall not be subject to the provisions of this ordinance: (all references are to the Massachusetts General Laws) Chapter 48, Section 13 (open air burning); Chapter 85, Section 11A (bicycle permits); Chapter 101, Section 33 (sales for charitable purposes); Chapter 149, Section 69 (children's work permits); Chapter 140, Section 21E (clubs dispensing food or beverages); Chapter 140, Section 137 (dog licenses); Chapter,131, Section 12 (fishing/hunting/ trapping license); Chapter 207, Section 28 (marriage license); Chapter 140, Section 181 (public exhibition/theatrical permits).

Article: To see if the Town will vote to amend the Town of Tolland <u>Commercial Vehicles Posting Bond Bylaw</u> by adding non-criminal disposition for violations of the <u>Commercial Vehicles Posting Bond Bylaw</u>, said amended by-law to read as follows:

Commercial Vehicles Posting Bond Bylaw Town of Tolland. MA

No vehicle used for commercial purposes may enter upon the town ways from a roadside shoulder without first posting a bond, either cash or surety, for the repair of any damage caused thereby. The Superintendent of highways shall determine the amount of the bond to be posted.

This provision shall not apply to vehicles with a gross loaded weight of less than 10,000 pounds.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

Article: To see if the Town will vote to amend the Town of Tolland Noyes Pond Bylaw by adding non-criminal disposition for violations of the Noyes Pond Bylaw, said amended by-law to read as follows:

Noyes Pond Bylaw (Prohibiting Internal Combustion Propulsion) Town of Tolland, MA

Prohibit the use of internal combustionengines for propulsion on Noyes Pond, Tunxis Club, as per the following paragraphs:

- A. All boating
- 1. Snowmobile, all-terrain vehicles and other vehicles used in connection with hunting and/orfishing; and;
- 1. Snowmobiles, all-terrain vehicles and other vehicles in general use except those used by law enforcement, emergency and security personnel in the course of their duties.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

Article: To see if the Town will vote to amend the Town of Tolland <u>Dog Control Bylaw</u> by removing the fines and adding non-criminal disposition for violations of the Dog Control Bylaw, said amended by-law to read as follows:

Dog Control Bylaw Town of Tolland, MA

- a. Prohibited. No person owning a dog in the Town shall permit such dog to be at large in the Town, elsewhere than on the premises of the owner or keeper except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of a dog in the Town which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall be required to have said dog under his complete control at all times.
- b. Prima facie evidence. In any prosecution hereunder the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.
- c. Procedure when dog found to be at large. Any dog found to be at large in violation of this section shall be caught and confined by the dog officer, who shall notify forthwith the licensed owner or keeper of such dog, failing which the dog shall be destroyed. The owner or keeper of such dog shall be required to pay the reasonable expenses of maintaining such dog in confinement, including, but not limited to, costs of feeding, medical care, medicines, and the like. Return of the dog to the licensed owner or keeper shall be dependent upon admission of owner ship or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section; provided, that if within the twelve months next preceding this offense the owner or keeper has not been convicted for violation of this section or a dog owned or kept by him has not been taken into custody for violation of this section the dog officer may waive prosecution. If found to be unlicensed at the time of apprehension, the owner or keeper of the particular dog will be, in fact, required to furnish proof of rabies inoculation and current years license, prior to removal from the confinement facilities.
- d. Designation of public areas for exercise and training of dogs. The Board of Selectmen may designate times and places on public park property where dogs may be exercised or trained while under the control and supervision of their masters.
- e. Licensed hunting dogs. This section, or any part thereof shall not apply to licensed hunting dogs owned by a licensed hunter engaging in the sport of hunting or training for such hunting.
- f. Duty of Police, etc. Any Police officer or other person who catch a dog found at large shall turn such dog over to the dog officer in accordance with the provisions of this section and shall not kill any such dog.
- g. Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

Article: To see if the Town will vote to amend the Town of Tolland <u>Hunting Bylaw</u> by removing the fines and by adding non-criminal disposition for violations of the Hunting Bylaw, said amended by-law to read as follows:

Hunting By-Law Town of Tolland, MA

No person shall hunt on any public or private property in the Town of Tolland without written permission of the owner of the land upon which hunting will take place.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

Article: To see if the Town will vote to amend the Town of Tolland <u>Logging Bylaw</u> by removing the fines, removing enforcement provisions and officials, and by adding non-criminal disposition for violations of the Logging Bylaw, said amended bylaw to read as follows:

Logging Bylaw Town of Tolland, MA

No logging operation shall start without the permission of the Superintendent of Public Works and the Conservation Commission, in writing. Any landowner who plans to cut trees for forest products must notify the appropriate regional office of the Division of Forests and Parks of his intention. Owners of record of land within 200 feet of the boundary of the cutting area shall also be notified. Notification of the Tolland Conservation Commission and the Tolland Department of Public Works shall consist of a properly executed Notice of Intent. Notification must be received by the town at least ten (10) business days before the cutting operation begins.

Landings shall be a minimum of one hundred (100) feet from a public way with a curved road to break the line of sight. Landings will have all rubbish, garbage and trash such as cans, papers, discarded tires, metal parts and other junk removed. Waste wood such as branches, cut log ends and logs will be placed neatly to improve the appearance of the landing and promote a rapid decay.

The soil shall be stabilized and seeded to grass at the end of the operation. In order to reduce the tracking of mud onto the highway during the operation, part of the access road will be graveled or mulched if necessary, or use will be curtailed during wet weather. Any mud will promptly be removed from the highway. Every owner, lessee, tenant or occupant of lands, or of any rights or interests therein, except electric, telephone and telegraph companies, who cuts or

con't.

permits the cutting of brush, wood or timber on lands which border upon woodland of another, or upon a highway or railroad location, shall dispose of the slash caused by such cutting in such a manner that the same will not remain on the ground within forty feet of any woodland of another, or of any railroad location, or within one hundred feet from the center of any public way and all slash resulting from such cutting operations shall be cut and scattered in such a manner as to minimize the danger from fire. Wherever multiple highway systems exist adjacent to cuttings, no slash shall be permitted within one hundred feet from the outer edge of the highway. No slash shall be permitted within twenty-five feet of any brook, stream, pond, river or water supply.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

Article: To see if the Town will vote to amend the Town of Tolland <u>Mandatory Recycling</u> <u>Bylaw</u> by removing the penalties and adding non-criminal disposition for violations of the Mandatory Recycling Bylaw, said amended bylaw to read as follows:

Mandatory Recycling Bylaw Town of Tolland, MA

In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste material into the following categories before depositing same for disposal:

- 1. Glass
- 2. Cans
- 3. Paper
- 4. Cardboard
- 5. Other Wastes

If no separation takes place, waste material shall not be accepted at the disposal location.

The recycling of paper and cardboard shall become mandatory immediately and the recycling of other items shall become in force upon the direction of the Board of Health.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

con't.

Article: To see if the Town will vote to amend the Town of Tolland <u>Snow Removal Bylaw</u> by removing the penalties and adding non-criminal disposition for violations of Snow Removal Bylaw, said amended bylaw to read as follows:

Snow Removal Bylaw Town of Tolland, MA

No person, other than an employee in the service of the Commonwealth or the Town of Tolland or an employee in the service of an independent contractor acting for the Commonwealth or the Town of Tolland, shall pile, push or plow snow or ice into town roads so as to impede the flow of traffic on such way.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

Article: To see if the Town will vote to amend the Town of Tolland Numbering Of All Houses, Businesses and Other Structures Bylaw by removing the penalties and adding non-criminal disposition for violations of the Numbering Of All Houses, Businesses and Other Structures Bylaw, said amended bylaw to read as follows:

Numbering Of All Houses, Businesses and Other Structures Bylaw Town of Tolland, MA

- 1. House Numbers Required in 60 Days: Numbers of each dwelling and each business and other building in the Town of Tolland, shall be designated to the owner of such structures within (60) days after approval of this Bylaw by the Office of the Attorney General.
- 1. Tolland Street Numbering System: The numbers shall be those assigned in accordance with the Town of Tolland street numbering system.
- 1. Owner Responsibility: It shall be the responsibility of each property owner to obtain and install the number or numbers assigned to his affected structure or structures within (60 days) after approval of this Bylaw by the Office of the Attorney General.
- 1. Certificate of Occupancy: The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the E-911 Coordinator. A Certificate of Occupancy will not be issued by the Building Inspector until a number is designated by E-911 Coordinator and installed by the property owner.
- 1. Reflective numbers, visible from both sides, shall be placed where the driveway intersects the roadway. Reflective numbers to be no less than three (3) inches high.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

con't.

Article: To see if the Town will vote to amend the Town of Tolland <u>Winter Parking Ban Bylaw</u> Bylaw by removing the penalties and adding non-criminal disposition for violations of the Winter Parking Ban Bylaw, said amended bylaw to read as follows:

Winter Parking Ban Bylaw Town of Tolland, MA

The Board of Selectmen, or its designees, may declare a Winter Parking Ban on all ways within the town during the period beginning November 1 through April 30 for the purposes of snow and ice removal.

No motor vehicle shall be parked on any way within the town during the Winter Parking Ban

Motor Vehicle Removal: The Chief of Police and/or the Superintendent of Public Works or their designee may remove or cause to be removed any motor vehicle parked in violation of the Winter Parking Ban

Owner Responsible for Charges: The owner or operator of a motor vehicle which is removed pursuant to this by-law shall be subject to an additional fine and shall be fully responsible for all charges and expenses incurred for removal and storage of such motor vehicle.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

To see if the Town will vote to amend the Town of *Tolland Junk Car Bylaw* by adding non-criminal disposition for violations of the Junk Car Bylaw, said amended bylaw to read as follows:

Junk Car Bylaw Town of Tolland, MA

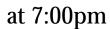
No person shall deposit, or store on any lot within the town, two or more wrecked, inoperative, or unregistered vehicles or parts thereof for more than one month.

Garaged vehicles are exempt from this provision.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Tolland Bylaw.

Easter Egg Hunt

Saturday March19





Food: will be served from 7 to 8pm (Hot Dogs with Chips & Drink.)

Hunt: 8pm - (eggs will be lit for a night time hunt)

Candy donations welcome!

(drop off at Town Hall)

Sponsored by the Tolland Police Department, the Tolland Fire Department and the Tolland Recreational Department

Granville/Tolland Citizens' Scholarship Foundation Annual Phonathon

Sunday, March 20th through Wednesday, March 23rd from 6-9PM You will notice in our letter to 2004 donors, that we awarded scholarships to 30 recipients for the 2004-2005 academic year! Any Granville or Tolland resident, who attends college full-time in an undergraduate program, applies for and is eligible, receives a scholarship. We do not confine our recipients to one or two deserving applicants. We operate on the premise that the GTCSF was established to aid students from both towns who meet eligibility requirements. The amount of the scholarship awarded is determined by how much money the foundation raises during the year; and such things as financial need, scholarship, and outside activities of the student.

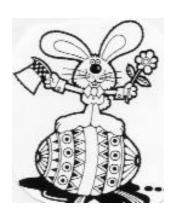
So we will again be phoning to ask you to donate to this worthy cause. Please consider that many of your family members or neighbors, have or will benefit from this fundraiser. We are still in need of students to volunteer during the phonathon. Please contact Nina Stromgren at 357-6153 to sign up to participate for one of the evenings from Sunday through Tuesday. We are saving Wednesday to use only if necessary.

Applications for scholarships will still be available at the Village School and Granville Library sometime in April. However, we encourage applicants to access the scholarship application online at our website: www.tolland-ma.gov. It will be available on line by no later than mid-March. All completed applications must be postmarked no later than May 1st.

1st Lt. Travis Fuller Memorial Scholarship Fund:

The family of 1st Lt. Travis J. Fuller has decided to establish a scholarship in his memory. You may not be aware that this soldier, aged 26, was recently killed in a helicopter crash in Iraq. Many mourn the loss of such a fine person. This young man, who attended our Granville Village School and Southwick/Tolland Regional High School, went on to graduate from Mass. Maritime Academy and later joined the Marines.

The Foundation appreciates that the family has chosen to honor Travis in this way.



Tolland Weather

TOLLAND WEATHER

Prepared by Steve Strinie

Period: January 17 to February 19, 2005 Elevation: 1500 feet above sea level.

Temperature: High - 54 degrees F. on Feb. 7 at 1:00pm

Low - minus 12 degrees F. on Jan. 22 at 1:00am

Humidity: Maximum - 100% several times

Minimum - 9% on Feb. 7 at 10:00am

Dewpoint: Maximum - 43 degrees on Feb. 16 at 3:00pm

Minimum - minus 13 degrees on Jan. 18 at 11:00am

Barometric Pressure: Maximum - 30.72" on Jan. 28 at 8:00am

Minimum - 29.48" on Feb 10 at 12:00pm

Wind Speed: 25 mph Northwest on Feb. 16 at 6:00pm Wind Chill: minus 45 degrees on Jan. 18 at 9:00am

Total Rain Fall 2.01 inches (plus/minus)

Total Snowfall 21.5 inches

Comments:

Only one substantial snow event during this period on the 22nd. Very cold in late January, but a warming trend in early February which began on the 29th of January. Several warm air 'inversions' occurred during this time when the higher elevations are warmer (in a relative sense) versus valley locations. For example: on the morning of the 29th of January, Hartford had a low temperature of -2 degrees and most valley locations in CT and Western MA were -5 to -10 degrees below zero. Meanwhile, our Tolland temperature that morning was a 'balmy' 12 degrees above zero with a west wind at 10mph and Mt. Washington, NH was a red hot 6 degrees above zero with a west wind at 50 mph. I am sure not much suntan lotion was used in Tolland that day, but living in the higher elevations sometimes does have its temperature advantages.

Thanks to Bob Ueberbacher for help with measuring snowfall.

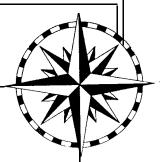
The Tolland Ladies Club will start their 2005 season with a Dinner Theatre Night.

Saturday, March 5 at the

Brass Rail in Southwick

Join us for a fun evening together!

For more information, call Shirley Warner at 258-4255



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Saturday: 9:00 - 4:00pm

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Town Hall Hours:

- Mon. & Tues. 8:00am to 4:00pm
 Wed. from 8:00am to 12pm

Assessor Clerk's hours: Monday 10am-4pm

Town Clerk hours: Monday 2 - 4pm

MARCH



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
LIBRARY HOURS: Mon. 3:00pm - 8:30pm Thurs. 11:00am - 4:00pm Sat. 10:00am -12:00pm		1	6:00pm Finance Comm. Mtg.	3	4	9 - 11:00 am
6	5:00 Bldg.Insp. 6:00pm Selectmen 7:00 CAUCUS	8	9	10	11	12
3:00 - 5:00 pm DUMP			5 - 7:00pm DUMP			9 - 11:00 am DUMP
3:00 - 5:00 pm	14 5 - 6:00pm Building Insp. 6:00pm Selectmen 7:00 - PUBLIC HEARING	15	7:00pm Zoning Board of Appeals.	17	18	9 - 11:00 am
3:00 - 5:00 pm	21 5:00 Bldg.Insp. 6:00pm Selectmen	22	23 5-7:00pm DUMP	24	25	9 - 11:00 am
27 EASTER	28 5:00 Bldg.Insp. 6:00pm Selectmen 7:00Plan. Board 7:00 - SPECIAL TOWN MTG.	29	30	31		

THE TOLLAND TATTLER is a monthly newsletter and a non-profit, volunteer publication by the Board of Selectmen of Tolland, Massachusetts. It is distributed free to residents. The Tolland Tattler solicits news and calendar items from town boards and community groups, and will try to print all the news received. *Policy regarding copy submitted for the "Letters to the Editor" column:*

The Tolland Tattler is the official publication of the Town of Tolland and is sponsored by the Tolland Board of Selectmen. It receives additional funding from various groups including the Council on Aging. The Board of Selectmen maintains the right to review letters submitted to the 'Letters to the Editor' column for content. Letters that are in bad taste, derogatory or present a potential legal problem will not be printed.

DEADLINE: Copy and calendar events must be received by the 20th of each month. Items can be mailed to the Town Hall, dropped off at the Town Hall or by E-Mail to: jeanwillow@crocker.com

ADVERTISING RATES AND SIZES: Prices and mechanical specifications can be obtained by contacting:

The Tolland Tattler Jean Jinks, Editor Tolland Town Hall 241 West Granville Road Tolland MA 01034

Phone: 413-258-4217 / e-mail jeanwillow@crocker.com